

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kitson

Application No.: 09/780,060

Filed: 2/9/2001

Title: Skin Treatment Compositions and  
Methods of Use

Attorney Docket No.: TDIG.P-001

Group Art Unit: 1616

Examiner: M. Lamm

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OFFICIAL

Assistant Commissioner for Patents

Washington, D.C. 20231

RESPONSE AFTER FINAL

Dear Sir:

This is in response to the Official Action mailed August 21, 2002 for the above-captioned application. Reconsideration of the application in view of the remarks herein is respectfully requested.

Claims 1-3, 6-9 and 14-21 stand rejected under 35 USC § 103 over Kawada et al. At the heart of this rejection seems to be a difference in understanding of the term "crystalline" and "liquid crystal" as those terms are used in the art. The present claims indicate that the lipids in the composition are in a non-crystalline phase lamellar array and adopt a crystalline lamellar phase when applied to the skin. This is important to the utility of the invention as a skin cream, since one wants to have soft, flexible materials for application as a cream, which then change phase to a crystalline material to provide a substantially solid barrier to permeability. The

I hereby certify that this paper and any attachments named herein are transmitted to the United States Patent and Trademark Office, Fax number: 703-872-9307 on October 21, 2002.

Marina T. Larson  
Marina T. Larson, PTO Reg. No. 32,038

October 21, 2002  
Date of Signature